## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY LOUISVILLE DIVISION

JAMES E. NULL and MILDRED : CASE NO. 3:08-CV-47-H

NULL,

(Judge John G. Heyburn, II)

Plaintiffs,

JOINT MOTION TO STAY :

PROCEEDINGS PENDING TRANSFER VS. :

**DECISION BY THE JUDICIAL PANEL** 

: AMERIQUEST MORTGAGE ON MULTIDISTRICT LITIGATION

:

:

COMPANY, et al., :

:

Defendants.

:

Defendant Ameriquest Mortgage Company, and Plaintiffs James E. Null and Mildred Null, by and through their respective counsel, jointly move that these proceedings be stayed and that all response deadlines and pretrial deadlines, including the mandatory disclosure rules required by Fed.R.Civ.P 26, et seq., and the deadline for submitting a Case Management Plan, be suspended due to the Multidistrict Litigation currently pending in the United States District Court for the Northern District of Illinois under MDL 1715 – In Re Ameriquest Mortgage Company Mortgage Lending *Practices Litigation*, Case No. 1:05-CV-0797 (the "MDL"). The parties submit that the present case will likely be designated as a "Tag Along" action for consolidated pretrial proceedings in the Multidistrict Litigation and represent to the Court that the request for a Conditional Transfer Order is already pending under the MDL. Consequently, a stay would avoid duplicative litigation efforts and costs, and ensure a more efficient use of both judicial and party resources.

A proposed Order granting this Motion will be submitted for the Court's consideration.

<sup>&</sup>lt;sup>1</sup> See e.g., Jones v. Lewis, 2006 WL 1006881 at \*1-2 (W.D. Tenn. 2006) (granting motion to stay further proceedings pending transfer decision into Illinois MDL where stay would "promote judicial economy and conserve judicial resources" and avoid risk of "duplicative motions"); and Kavalir v. Medtronic, 2007 WL 1225358, at \*4 (N.D. Ill. 2007) (granting motion to stay further proceedings until likely transfer to MDL where such stay would promote "the interests of judicial economy").

## Respectfully submitted,

/s/ James K. Murphy

James K. Murphy

Attorney for Plaintiffs

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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2008, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF System which will send notification of such filing to the following:

James K. Murphy LYNCH, COX, GILMAN & MAHAN, P.S.C. 500 W. Jefferson Street, Suite 2100 Louisville, KY 40202

> /s/ Nathan H. Blaske Nathan H. Blaske

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JAMES E. NULL and MILDRED : CASE NO. 3:08-CV-47-H

NULL, :

(Judge John G. Heyburn, II)

Plaintiffs,

: ORDER GRANTING JOINT MOTION

vs. : <u>TO STAY PROCEEDINGS PENDING</u>

: TRANSFER DECISION BY THE

AMERIQUEST MORTGAGE : <u>JUDICIAL PANEL ON</u>

COMPANY, et al., : MULTIDISTRICT LITIGATION

:

**Defendants.** :

:

WHEREAS, this matter came before the Court on the Joint Motion To Stay Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation, and the Court finding said Motion well taken,

It is hereby ORDERED that these proceedings are stayed pending the transfer decision by the Judicial Panel on Multidistrict Litigation in MDL 1715 - *In Re Ameriquest Mortgage Company Mortgage Lending Practices Litigation*, Case No. 1:05-CV-0707, pending in the United States District Court for the Northern District of Illinois.

SO ORDERED.